

Certification under 37 CFR 1.8a

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with The United States Postal Service with sufficient postage as first class mail in an envelope addressed to The Assistant Commissioner for Patents, Washington, D.C. 20231, on December 9, 2002.

Brian W. Hameder
Name

Brian W. Hameder
Signature

DOCKET: CU-2571

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: ANZA AB
SERIAL NO: 09/868,526
FILED: June 19, 2001
TITLE: TOOL HANDLE

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) Group Art Unit:
)
) Examiner:

BOX PCT
Attention: PCT Legal Office
THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

RENEWED PETITION UNDER 37 CFR 1.47

Sir:

This is in response to the Notification of Missing Requirements dated October 5, 2001 and the subsequent Decision Under 37 CFR 1.47 dismissing the Applicant's petition and having a shortened statutory period for reply set to expire on November 30, 2002. Submitted herewith is a Request for one-month Extension with the required fee, to extend the period of reply to December 30, 2002.

Previously filed with the Applicant's petition dated April 4, 2002 was the Combined Declaration and Power of Attorney in compliance with 37 CFR 1.497(a) and (b), with the \$130 surcharge required under 37 CFR 1.492(e). The Combined Declaration and Power of Attorney was only signed by one of the two inventors, Stefan Carlsson. Of the two inventors, Stefan Carlsson is now deceased and Jack Chalas is a non-signing inventor. The assignee ANZA AB also submitted a U.S. assignment signed by the deceased inventor Stephan Carlsson, and an assignment of worldwide rights signed by the non-signing inventor, Jack Chalas.

Also submitted therewith was a statement of facts in support of filing on behalf of the non-signing inventor, a statement establishing proprietary interest by a person signing on behalf of the non-signing inventor, and an added page to the Combined Declaration and Power of Attorney for the signature by a person with sufficient proprietary interest where no inventor is available to sign and on behalf of the inventor who refuses to sign or cannot be reached.

Submitted herewith are two additional "Details of refusal of the non-signing inventor to sign application papers". These are submitted to correct the previous deficiencies that the Assignee should:

- 1) Indicate on the Details of Refusal that the application papers were sent to Mr. Chalas at his last known address;
- 2) Provide copies of the certified mail return receipts; and
- 3) Indicate the person who carried out each of the enumerated actions in the Details of Refusal.

In the Decision under 37 CFR 1.47 the Patent Office states that the Declaration filed April 15, 2002 is not acceptable because it is unclear whether the deceased inventor, Stephan Carlsson, signed the Declaration on his own behalf only, or on behalf of inventor Jack Chalas who refuses to sign. The Patent Office states that it now requires the legal representative to sign the oath or declaration on behalf of both inventors. The Applicant respectfully disagrees with this requirement.

In the declaration filed April 15, 2002, it is absolutely clear that Stephan Carlsson signed only on his behalf and that the Assignee has signed on behalf of Jack Chalas. With this renewed petition the Applicant has perfected the requirements for the Assignee to sign on behalf of the non-signing inventor, Jack Chalas. Therefore, the Applicant considers the declaration filed April 15, 2002 to be effective and no other declaration necessary.

In view of the above response, Applicant considers this renewed petition to satisfy all the requirements necessary for submission under 35 USC §371.

Respectfully submitted,

December 9, 2002

Date

Brian W. Hameder

Attorney for Applicants

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Details of refusal of nonsigning inventor to sign application papers

The joint inventor Mr. Jacek Chalas has sold all his rights to the invention and has received full payment therefor in 1997. An Assignment assigning worldwide rights to the invention to ANZA AB was signed on February 29, 2000.

As part of the Agreement between Mr. Chalas and ANZA AB, ANZA AB has undertaken to mention the name of Jacek Chalas when the product in question is presented in catalogues and other printed materials. By an oversight on the part of ANZA AB this has been neglected so far. As a compensation, ANZA AB has prolonged the Agreement to mention the name of Chalas to 2005. The prolongation took place in December 2001.

However, Mr. Chalas still refuses to sign.

Bankeryd, 08.11.2002

A handwritten signature in black ink, appearing to read "Mats Bjell 2002". The signature is fluid and cursive, with "Mats" and "Bjell" being the most distinct parts.

By: Mats BJELKSJÖ

Position: Managing Director of ANZA AB

Details of refusal of nonsigning inventor to sign application papers

A registered letter dated November 26, 2001 enclosing a combined Declaration and Power of Attorney as well as an Assignment was sent to Mr. Chalas by the Swedish patent agent Mårten Åkerman and received by him on November 28, 2001 as evidenced by the certified mail return receipt.

A new registered letter dated December 5, 2001 enclosing a copy of the published international application and requesting Mr. Chalas to sign and return the forms by December 14, 2001 was received by him on December 6 as evidenced by the certified mail return receipt.

In a telephone conversation on December 17, 2001 with the Swedish patent attorney Mr. Mårten Åkerman, Mr. Chalas informed that he refuses to sign the Declaration because ANZA AB has not fulfilled the obligation to mention the name of Jacek Chalas when the product in question was presented in their product catalogue. (Also, Mr. Chalas has been in contact with the Managing Director, Mats Bjelksjö, of ANZA AB via telephone and e-mail.)

Malmö, 04.11.2002



By: Mårten ÅKERMAN

Position: European Patent Attorney



Inlämningspostkontor

MOTTÄGNINGSREFVIS - Inrikes

Inlämningsdatum

<input checked="" type="checkbox"/> ESS-brev REK <input type="checkbox"/> ESS-brev VÄRDE Avsändarens referens, bokföringsnr e d	
Värde, kr	
Adressat (fylls i av avsändaren)	Namn och postadress JACEK CHALAS SÖDERÅSGATAN 141 216 17 MÅLÖ Om försändelsen inte får lämnas ut mot fullmakt, var god markera med ett kryss
Underskrift av adressaten eller att ombud med ulla makt	<input checked="" type="checkbox"/> Får kvitteras endast av adressaten personligen Försändelsen har tagits emot Namnteckning  Om någon undertecknande har kunnat erhållas anges orsaken här Om någon undertecknande har kunnat erhållas anges orsaken här
Stens anteckningar	



Inlämningspostkontor

MOTTAGNINGSBEVIS - Inrikes

Inlämningsdatum

01/06

VÄRDE
2012-06-01

Malmö

Adressat (fylls i av avsändaren)	Namn och postadress Jöanna Sö. 141 216 17 Malmö	
Om försändelsen inte får lämnas ut mot full- makt, var god markera med ett kryss		
Underskrift av adressaten eller ett ombud med fullmakt ¹	<input checked="" type="checkbox"/> Försändelsen har tagits emot Namnteckning	Utlämningsdatum och signatur 01.6.2012 * [Signature]
Postens anteckningar		

Nässjötryckeri AB

Bl 2012.01 (jun 01) ¹ Fullmakt gäller inte när avsändaren begärt Personlig kvittering